

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW RAY FREEMAN,

Plaintiff,

v.

NANCY A. BERRYHILL,

Defendant.

Case No. [4:17-cv-02279-KAW](#)

**SECOND ORDER TO SHOW CAUSE**

Plaintiff commenced this social security action on April 24, 2017. (Dkt. No. 1.) On April 24, 2017, the court issued a scheduling order requiring Plaintiff to file a motion for summary judgment or motion for remand within 28 days of being served with Defendant's answer. (Dkt. No. 3.) The answer and administrative record were filed on December 14, 2017. (Dkt. Nos. 12 & 13.) Thus, Plaintiff's motion for summary judgment or motion for remand was due by January 11, 2018. On March 27, 2018, the Court issued an order to show cause, in which Plaintiff was ordered to explain why his case should not be dismissed for failure to comply with the deadline to file his dispositive motion and to file his motion for summary judgment or motion for remand. (Dkt. No. 17.) Plaintiff was given until April 27, 2018 to file both documents, and was advised that the failure to do so may result in the case being dismissed for failure to prosecute. To date, Plaintiff has not filed a motion for summary judgment or motion for remand, he has not filed a response to the order to show cause, and he has not filed a consent or declination to proceed before the undersigned despite being sent three notices reminding him to do so.

Accordingly, IT IS HEREBY ORDERED that, by no later than **June 29, 2018**:

1. Plaintiff shall respond to this order to show cause by explaining why this case should not be dismissed for failure to comply with the deadline to file the motion for summary

1 judgment or seek relief from the procedural order deadline. He shall also explain why he did not  
2 respond to the first order to show cause.

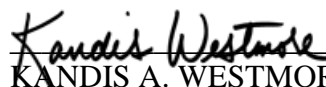
3 2. Plaintiff shall file a motion for summary judgment or motion for remand.

4 3. Plaintiff shall file a consent or declination to proceed before the undersigned.

5 Failure to file all documents will result in the case being reassigned to a district judge with  
6 the recommendation that it be dismissed for failure to prosecute.

7 IT IS SO ORDERED.

8 Dated: May 30, 2018

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KANDIS A. WESTMORE  
10 United States Magistrate Judge  
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